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9 *Ornelas-Padilla*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 * * *

13 UNITED STATES OF AMERICA,) 2:19-cr-00007-CDS-NJK
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Plaintiff,

**AMENDED EMERGENCY
MOTION TO CONTINUE
SENTENCING**

v.

FRANCISCO ORNELAS-PADILLA,

Defendant.

Plaintiff Francisco Ornelas-Padilla, by and through his counsel of record, Telia Mary U. Williams, Esq., requests on an emergency basis, a continuance of the sentencing hearing scheduled for December 1, 2022 at 1:30 pm. Counsel has recently experienced a family emergency which has caused a severe and continued disruption to her personal and professional schedule. In addition, as a result, she is currently out of the office, and out of the jurisdiction. She will not be able to return to the jurisdiction in time for the scheduled sentencing. Moreover, Counsel and her client have been unable to confer as anticipated, and to make other preparation for the hearing.

Counsel respectfully requests a continuance of no fewer than thirty (30) days, a date, respectfully no sooner than late December (after December 25) or early January, 2023, at the

1 Court's convenience. Good cause exists for this request to be made on an emergency basis as
2 the hearing date is set to occur within few judicial days, exclusive of the court holiday on
3 November 24, 2022, and inasmuch as counsel was unable, in light of the holiday weekend, and
4 the exceptional situation, to secure the Government's position on this request prior to having to
5 file this motion.
6

7 Although the defendant, Mr. Padilla, is in custody, ongoing conversations with him
8 indicate to undersigned counsel that he does not oppose a continuance. Thus, in good faith,
9 counsel can attest that he has no objection to the continuance. In the meantime, however,
10 counsel has reached out, by way of her paralegal, to the prison facility to get a call through to
11 him in order to confirm, and will update the court if necessary.
12

13 DATED this 25th day of November, 2022.
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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2022, I electronically served on Counsel of Record the foregoing by filing it with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system.

Dated: November 25, 2022

/s/ David DaSilva
For the Law Office of Telia U. Williams

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) 2:19-cr-00007-CDS-NJK
)
Plaintiff,)
) ORDER
v.)
)
FRANCISCO ORNELAS-PADILLA,)
)
)
Defendant.)
_____)

FINDINGS OF FACT


Based on the pending Emergency Motion of counsel, and good cause appearing
therefore, the Court finds:

1. Defendant's counsel has a family emergency and cannot reasonably attend nor prepare for the hearing based on her filed emergency motion.
2. The Defendant is in custody, but in good faith, is believed to have no objection to this continuance, as vouchsafed by his counsel. If that is not the case, counsel promptly will provide an update to the court.
3. Denial for this request for continuance would place an undue personal and professional burden on the Defendant's counsel.
4. Accordingly, denial of this request for continuance would result in a miscarriage of justice.
5. For all the above-stated reasons, the ends of justice would best be served by a least a 30-day continuance of the sentencing date.

Denial of this request for continuance would deny the defendant, Francisco Ornelas-Padilla, the opportunity to have counsel prepared to assist at his sentencing.

ORDER

IT IS HEREBY ORDERED that the sentencing currently scheduled for December 1, 2022 at 1:30pm, be continued to the 5th day of January, 2023 at 1:30 p.m. in courtroom 6B.


UNITED STATES DISTRICT JUDGE